



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.572
12 November 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 572nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Mali (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mali (continued) (CRC/C/3/Add.53; HRI/CORE/1/Add.87; written replies of the Government of Mali to the questions in the list of issues (document without a symbol, distributed in the meeting room in English and French))

1. At the invitation of the Chairperson, the members of the delegation of Mali resumed their places at the Committee table.
2. The CHAIRPERSON invited Committee members to put questions concerning health and welfare, education, leisure and cultural activities.
3. Mr. DOEK, noting that infant mortality rates among children under 1 and under 5 remained high despite the country's efforts, asked whether specific measures were envisaged for remedying the situation. Recalling that the authorities had undertaken information and counselling activities for young people on HIV-AIDS prevention, he asked whether there were also structures to assist infected persons (for instance, care centres). Given the exorbitant price of available medicines, were any measures foreseen to facilitate their use? Were there any projects to expedite the Government's action against drug abuse?
4. Mrs. QUEDRAOGO asked how adolescents were catered to in the programmes to raise awareness of and combat AIDS. Were there, for instance, sex education courses and information campaigns in schools? Also, were any measures visualized in order to encourage young people to attend support or care centres by guaranteeing them confidentiality? Mention had been made in the written replies of hygiene and sanitation courses in schools, as well as reproductive health courses. Was any provision made to ensure that young people who did not attend school also enjoyed access to such training?
5. Mrs. TIGERSTEDT-TÄHTELÄ pointed out that while birth control and family planning had become an essential facet of national population policy, very few Malian women used contraceptive methods. It was estimated that 63.5 per cent of them would have already given birth or be pregnant by the age of 18. Were health and reproductive rights education programmes an effective means of reducing early pregnancies, or were they covered by new policies?
6. Mr. RABAH asked whether the numerous projects for improving teaching methods formed part of a global action plan. He would also like to know what the modalities were for implementing parental education programmes and what links existed between parents and schools.
7. Mrs. MOKHUANE said that the society's attitude to teenagers who had sexual relations, the use of condoms, sex education and the survival and development of the child were closely linked to the problem of maternal mortality caused by unwanted pregnancies. Consequently, what measures were taken to foster adolescents' development regarding sex and reproductive education and health and to improve society's attitude to teenagers who had

sexual relations? What measures were being taken to reduce the number of girls under 18 who died from maternity-related causes? How could adolescents obtain condoms? Were any efforts made to raise awareness among families?

8. Mrs. OUEDRAOGO asked what training was provided for traditional midwives. With regard to traditional healers, whose level of hygiene appeared to have improved considerably, she wished to know the areas in which they intervened most, and what contacts they maintained with modern medicine. Were any measures envisaged to protect adolescents and children from accidents, notably in schools?

9. Mrs. KARP said that a fundamental problem in many sectors, especially health, was the shortage of skilled labour. Stressing that it was vital to encourage the training and recruitment of professions, she asked whether there was a national strategy designed to promote skills upgrading.

10. Mr. DOEK asked whether the social protection bill contained specific provisions for integrating handicapped children, especially into the school system.

11. Mrs. MOKHUANE asked whether the listening and counselling centres for HIV-infected persons set up by the Government existed throughout the country, including rural areas. If so, were they easily accessible to adolescents and children? She also asked whether seropositive children were protected in schools. Were they discriminated against, and, if so, how was the problem dealt with? The education statistics available showed a disparity between the enrolment rates of boys and girls, as well as a drop in school attendance by girls. She therefore wished to know what measures were being taken to improve girls' access to education and reduce the causes of dropping-out, and whether they included attempts to change the attitude of society as a whole towards girls.

12. The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.

13. The CHAIRPERSON invited the members of the delegation to reply to the Committee members' questions.

14. Mr. BALLO (Mali) explained that the Ten-Year Sanitation and Social Development Programme (1998-2007), the five-year phase of which had begun, comprised various measures aimed at reducing infant mortality. It also covered the fight against AIDS, especially in the context of expanded health-care coverage. Where clinics and dispensaries were concerned, the decision had been taken not to create special centres for AIDS patients, but to treat them in existing hospitals and dispensaries to avoid isolating them and to assure them of a degree of confidentiality. True, the cost of treatment was very high, with estimates suggesting that the number of cases foreseen under the National Anti-AIDS Programme would require more than 2 billion CFA francs per year. It was planned to set that amount aside in the budget under the Five-Year Programme, but the Government also appealed to its partners in an effort to contain and balance health expenditure.

15. A national reproductive health programme for raising the awareness of adolescents had been drawn up under the Ten-Year Plan and the Five-Year

Programme. It was designed for children and young people aged 10-24 and was being implemented in schools and education centres and in the districts. Since 1990, emphasis had been placed on access to contraceptive methods, independent of the fight against AIDS. A community-based distribution (DBC) and familiarization programme, in which agents in all regions and most villages distributed condoms, was also in progress. Another programme, implemented with the help of non-governmental organizations (NGOs), including the Malian Association for Family Protection and Promotion, involved the sale of condoms and other contraceptives. However, it must be remembered that Malian society maintained deep-rooted traditions, and changes in behaviour were still tentative. Action therefore needed to be gradual.

16. Traditional midwives had been covered by the Ministry's primary health-care programme since its inception. However, their participation in the health system was not without its problems. It had been established that serious hygiene problems arose unless they were regularly monitored (by qualified personnel at least once a month). Accordingly, only supervised midwives had been integrated into the system. While he acknowledged the important role of traditional healers in Mali, it was nonetheless essential to distinguish between genuine healers and charlatans. The Ten-Year Plan contained provisions for the development of traditional medicine, notably in collaboration with the National Public Health Research Institute and its branches. Some traditional products were already on sale in pharmacies. Moreover, healers and care centres worked in unison and exchanged patients. When a healer was recognized, cases could be referred to him (often trauma cases) and, by the same token, he could refer his patients to the health centres when he considered their case to be beyond his competence.

17. Some listening and counselling centres for AIDS victims were beginning to spring up in Bamako; they were few in number because the heads of the centres needed to be qualified and conscious of the need for confidentiality. No information was available concerning the problems that AIDS-infected children might encounter at school, because they either kept silent about their disease or were not sent to school.

18. Mr. Mohamed MAIGA (Mali) said the NGOs that provided assistance to prostitutes in Bamako had discovered a number of AIDS-affected children, in the sense that they were not infected with the disease, but were suffering its consequences, such as orphanhood. Those children received assistance from the social services in the form of an allowance paid to their families for medicines and school materials. There was no reintegration system in place.

19. Mrs. THIERO (Mali) explained that one NGO was conducting AIDS-related activities in some rural areas in collaboration with the population. No differentiation was made in schools, so as to avoid ostracism or exclusion of AIDS-infected children.

20. The CHAIRPERSON said that a problem subsequently arose, when those children became adolescents and began to have sexual relations. What had been envisaged in that connection? The increase in AIDS cases had both social and economic repercussions. She wished to know how effective the reproductive health programme had been in terms of AIDS prevention and birth control.

21. Mrs. THIERO (Mali), replying to Mrs. Mokhuane's questions, confirmed that condoms were distributed to adolescents and that parents were also alerted to the issue of AIDS and contraception.
22. Mr. BALLO (Mali) said that evaluations conducted showed the progress made despite the slow changes in attitude, especially in rural areas. There were plans to continue implementation of the reproductive health programme, focusing attention on young people between 10 and 24 years of age.
23. Turning to human resources, he said that the health and education sectors employed a great many qualified staff and that since 1994, 200 additional jobs per year had been negotiated, quite an achievement given the country's budgetary difficulties. In that regard, mention should be made of the recent meeting with the partners of the support mission for human-resource development which formed part of the Ten-Year Plan.
24. Mr. Mohamed MAIGA (Mali), referring to accidents in the vicinity of schools in Bamako, said it had been noted that there were no signs warning motorists to watch out for children going home from schools, which were often situated close to main roads. That being so, and since the municipal authorities did nothing to control rush-hour traffic, a "zero accident" initiative had been launched in Bamako.
25. The law on social protection provided for the education of the disabled and their integration into social and professional life.
26. Mr. Bonaventure MAIGA (Mali) said that the law on educational guidance comprised two parts: integration of disabled children and adolescents in regular schools and community-based rehabilitation. Disabled children who could not attend regular schools were taught in special schools. All those elements were also covered by the aforementioned law on social protection.
27. Mrs. THIERO (Mali) said there was as yet no specific programme for fighting drug abuse, but the delegation would contact the Ministry of Health on that subject.
28. Mr. Bonaventure MAIGA (Mali), in response to Mr. Rabah's question, said that in the aftermath of the emergence of democracy, meetings had been organized on education and had led to the conclusion that it was unsuitable and of poor quality. Accordingly, on the initiative of the Head of State, it had been decided in 1997 to overhaul the entire education system in accordance with the Ten-Year Programme for the Development of Education. The main point of that programme was to introduce national languages as a subject of study and the language of instruction, since children learned more quickly and lastingly in their mother tongue.
29. One measure required for improving the quality of education was a review of teacher-training syllabuses. Such a review was under way and would adapt them to Mali's social and cultural context.
30. The CHAIRPERSON asked whether article 28 of the Convention had been taken into account in the reform process.

31. Mr. Bonaventure MAIGA (Mali) said that a vast education programme on the culture of peace was to be implemented and would serve to make the Convention more widely known.

32. Mrs. THIERO (Mali), replying to a question from Mrs. Mokhuane, said the enrolment rate among girls was indeed lower than that of boys, but that it was increasing noticeably owing to efforts in that domain, including the girls' enrolment programme of the Ministry of Education's girls' enrolment programme designed to raise parental awareness, and the UNESCO-funded programme, "I want to be like all the girls in my village". Other concrete steps had been taken, such as the building of canteens and girls' toilets in schools located far from children's homes. Another principle was to set up or improve village infrastructure so that girls would not have to work and could attend school. Awareness-raising activities were conducted among girls to dissuade them from early marriage and from dropping out of school. The Ministry of Education had also raised the ban on pregnant girls' continued school attendance.

33. Mr. DOEK stressed the importance of the information provided in the written reply to question 30, to the effect that a national programme to combat child labour had been put in place in conjunction with the International Labour Organization (ILO). On the question of the juvenile justice system, he would like to know how a judge determined whether the author of a crime had acted with or without due discernment. What measures were taken when an offender claimed to lack due discernment? Also, what was the tenor of the new legislation on criminal responsibility of minors which the Government intended to prepare? What was the status of the children's bureaux attached to the courts? Were they equivalent to minors' tribunals?

34. It had been acknowledged in the report and the written replies that the legal provision whereby detained minors and adults were to be housed separately could not be enforced owing to the lack of resources. Were there any plans to build detention centres for minors?

35. Mrs. MOKHUANE said that the Government's programmes on leisure and cultural activities appeared to deal exclusively with children who attended school. Mali was the country in West Africa with the highest percentage of working children. What specific measures were in place to ensure that all children benefited from the right to leisure? What did the Government have in mind for dealing with the minors in policy custody, which could last as long as two days?

36. Mrs. KARP inquired how many minors were kept in detention and for what crimes, and, when convicted what sentences were passed on them. She asked whether any statistical data were available on children in conflict with the law, pointing out their usefulness for the preparation of policies suited to Mali's situation. She would like some explanation of the claim made by some that trial proceedings were extremely long and that the 48-hour limit on police custody was not always respected. Was there any programme for establishing a genuine juvenile justice system in all regions and, if so, what was the schedule? More specifically, when would Mali have a full juvenile justice system comprising all the necessary juvenile courts? It would also be interesting to know the basis on which a judge determined a sentence. Was the social welfare report on which a sentence was apparently based drawn up by

social workers? In the absence of such a report, how did the judge gauge the gravity of the crime? Lastly, it would be useful to know whether there was a complaints mechanism accessible to children whose rights were violated in detention centres and whether children were separated from adults in prisons. It had been alleged that adult prisoners had mistreated and even raped children in prison. Were the authors of those crimes prosecuted and, if so, were they convicted?

37. Mr. RABAH, referring to the reply to question 32 which claimed that commercial sexual exploitation and abuse of children were not yet visible in Malian society, so that there were no specific activities to deal with them, asked whether that meant the Malian Government took no measures in that regard, even for prevention purposes.

38. Mr. TRAORE (Mali) said the minimum age of criminal responsibility was 13. From that age onwards, the judge sought to discover whether a child's criminal responsibility could or could not be implied on the basis of the child having acted with or without due discernment. To that end, the judge examined the circumstances in which the crime was committed, relying on the social report. That report was usually prepared by social workers who investigated the child's environment; in the absence of social workers, the judge called on the investigators or police officers for information concerning the child and the circumstances of the crime. If the judge considered that the minor - in other words, any person between 13 and 18 years of age - had acted with full knowledge of the facts and the consequences of his behaviour and, therefore, with due discernment, he could convict the child. If he felt that the child had not acted with due discernment, he would not institute a trial and the child would be returned to his family. A minor could not be sentenced to death or to forced labour.

39. On the subject of the organization of justice, the law provided for juvenile courts and a minors' court of assizes, as well as the setting up of minors' bureaux, the latter falling within the jurisdiction of the minor's court and comprising representatives of the Ministries of Social Welfare, Youth, and Health. The law also provides for the creation of three minors' courts across the national territory. It had recently been decided to appoint minors' counsellors in the juvenile court of assizes, separate from the assessors who advised the judge in the adult court of assizes.

40. Since June 1999, detained minors had been placed in the Bollé Observation and Rehabilitation Centre close to Bamako, where they were kept quite separate from adults. They had formerly been detained in the juvenile block of the Bamako prison. At the Bollé centre 30 of the 46 minors lived in closed cells and 16 in an open environment. The minors could learn a trade and enjoyed access to leisure activities. Generally speaking, detained minors were prosecuted for lesser offences, mainly theft. Minors who had not committed an offence but risked becoming delinquents were sometimes placed in a rehabilitation centre at their parents' request.

41. Any maltreatment to which minors might be subjected in prison could be discovered by the guards, the prison governor or even by the Attorney-General

on his periodic visits. The problem of the length of pre-trial detention was a real one and was under consideration with a view to correcting any procedural shortcomings and improving the handling of cases involving minors.

42. Mrs. THIERO (Mali), noting that she had been a state prosecutor before becoming a minister, said it was not unusual for young offenders, especially older ones, even before their trial, to be abandoned by their parents because they brought shame on the family or because the parents could not cope with the situation. If the bench could not locate a child offender's parents, he was kept in a place separate from adults, either on police premises or in the children's block of a rehabilitation centre for the duration of the social investigation. When the parents had been traced the child was returned to them. She confirmed that all minors formerly placed in the Bamako prison had been transferred to the Bollé Observation and Rehabilitation Centre, which was well equipped to cater to their needs.

43. She denied the allegation that in 1996 10 of the 325 children incarcerated had been convicted, and expressed astonishment that it had reached the Committee's ears. In fact, those figures referred to a period of confrontation and various demonstrations in which students had committed acts of vandalism. She said that not all of the 325 cases cited concerned children. The youngest students were 15 years old and some had wished to remain in prison out of solidarity with their colleagues. Ten had been found guilty. The Government had subsequently amnestied all the demonstrators, so that the young people's dossiers had been wiped clean. To the question of the type of offences committed by minors, she replied that it had been theft for the most part and that in recent years not one minor had been convicted in the court of assizes.

44. Mr. TRAORE (Mali) explained that police officers or investigators who kept a person in police custody for more than 48 hours without legal authorization were reprimanded by the Attorney-General when he discovered it.

45. Mrs. THIERO (Mali) said she was not aware of cases of sexual abuse or rapes committed by adults against children in prison. By and large, if the children remained silent the facts were not discovered and the justice system could do nothing. However, if the facts were known, notably if they had been established by the prison governor or the Attorney-General, they were punished in accordance with the Penal Code; the sentence was harsher if a child was sexually abused. It was not unknown for minors in prison to have homosexual tendencies, making their relationship with other inmates difficult. As a precaution, and also to reduce the risk of AIDS infection, those prisoners were often released.

46. Mrs. THIERO (Mali) said her country was currently preparing a 10-year programme designed to avoid many children coming into conflict with the law. However, the crime rate in Mali was nothing like in modern countries. The few children who abused drugs - sniffing glue, for instance - were usually taken in hand promptly and were not sent to the main prison. There were abundant cases of migrant girls arrested for alleged theft of clothes or jewellery, but their employers quite often accused them of stealing in order to avoid paying them.

47. The CHAIRPERSON invited the Malian delegation to reply to the questions left pending from the previous meeting (children's leisure, forced marriage, child rights education in police colleges, and placement in families).

48. Mr. RABAH called for information on the measures taken by the Malian Government to deal with sexual abuse.

49. Mrs. KARP asked how many child offenders there were in cities and rural areas, and in what circumstances the prosecutor was allowed to extend the 48-hour legal limit on custody.

50. Mrs. THIERO (Mali) said that forced marriage was banned under the Marriage and Guardianship Code. The prospective spouses were required to give their consent to the civil registrar on the day of the marriage. There was also such a thing as "secret marriages" which had no legal validity. Forced marriages were becoming rarer in Mali, and it was interesting to note that country-dwellers availed themselves of the civil registry services more than town-dwellers. At mosque weddings, since the bride and bridegroom were not present, the witnesses were required to seek their opinion.

51. Turning to children's leisure, she said that libraries, parks, sports fields and cultural centres were all available in the capital, and film shows were organized by schools. The Government had the political will to organize various leisure activities in the "children's block". However, the Convention was not yet taught in police-training colleges.

52. Mr. Mohamed MAIGA (Mali), referring to children's placement in families, said there was a tacit agreement between the NGOs and the Government with regard to difficult children aged 8-12, who were handed over to the associations that managed the centres, where they were housed pending location of their parents. None of those centres were currently State-run.

53. Mrs. THIERO (Mali) said that since international traffic in children had been detected in those centres, a decree would be issued and would govern all children's centres, which would henceforth come under her Ministry's direction. The preamble to the Constitution provided that any person detained for questioning in Mali had the right to immediate assistance from a lawyer. The lawful duration of preventive custody was 48 hours. A 24-hour extension could be declared by the prosecutor if the case was very complicated. In general, the investigation was pursued by a commission of inquiry following such an extension. While it was most unusual for police custody of minors to be extended, she was unable to provide reliable statistics. On the question of sexual abuse, she said that in principle such behaviour was not made public. Nevertheless, when cases were officially reported, they fell under criminal law and their perpetrators were therefore liable to conviction. Minors did not have the right to engage in prostitution in Mali: the streets were patrolled by the Morality Squad, who accompanied such minors to the police station and tried to find their parents. There were, nonetheless, cases of very young girls prostituting themselves when their parents were in financial straits.

54. The CHAIRPERSON invited Committee members to share their preliminary observations with the delegation.

55. Mrs. OUEDRAOGO welcomed the fruitful and constructive dialogue that had taken place between the Committee and the delegation. She recognized that the Convention was being implemented in a difficult socio-economic context and that the structural adjustment programme combined with Malian customs had an adverse effect on children. However, she applauded the authorities' political will to implement the provisions of the Convention and to fulfil the commitments made at the World Summit for Children, of which Mali had been an initiator. The current reform, the Children's Parliament and the creation of an ombudsman's post were all highly positive achievements. All the same, the country was still confronted by myriad difficulties relating, for instance, to coordination of activities in favour of children, dissemination of the Convention, traditional practices, the problem of child exploitation, excision, begging and forced marriages. She encouraged the Malian authorities to reinforce the provisions and programmes envisaged in the fields of health and education and to give some thought to the problems posed by working children and children in conflict with the law in order to improve the protection offered to Malian children.

56. Mrs. THIERO (Mali) thanked the members of the Committee for the interest they had shown in her country's implementation of the Convention. She was aware that the tasks before it were still immense and that there was still a need to shape a society in which women and children could live in peace. Mali undertook to take Committee members' observations into account when it came to prepare its second periodic report on the implementation of the Convention, presentation of which she asked to be deferred by one year. She cited the commitments undertaken by her country during consideration of the initial report (review of all the codes, lifting of the reservation to article 16 of the Convention, information system on social protection indicators, strengthening of follow-up mechanisms, consolidation of child participation, review of the draft social protection code, human rights education in police colleges, etc.), and once more thanked Committee members for the warm welcome they had extended to her delegation.

57. The CHAIRPERSON announced that the Committee had completed its consideration of the initial report of Mali. She appreciated the delegation's open-mindedness and goodwill, as well as the country's endeavours to implement the Convention. She hoped that Mali's next report would reflect the progress made.

The meeting rose at 1.05 p.m.